

STAFF REPORT

on

# **Triennial Review of the Water Quality Control Plan for the Lahontan Region**

California Regional Water Quality Control Board  
Lahontan Region  
2501 Lake Tahoe Boulevard  
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## **Introduction**

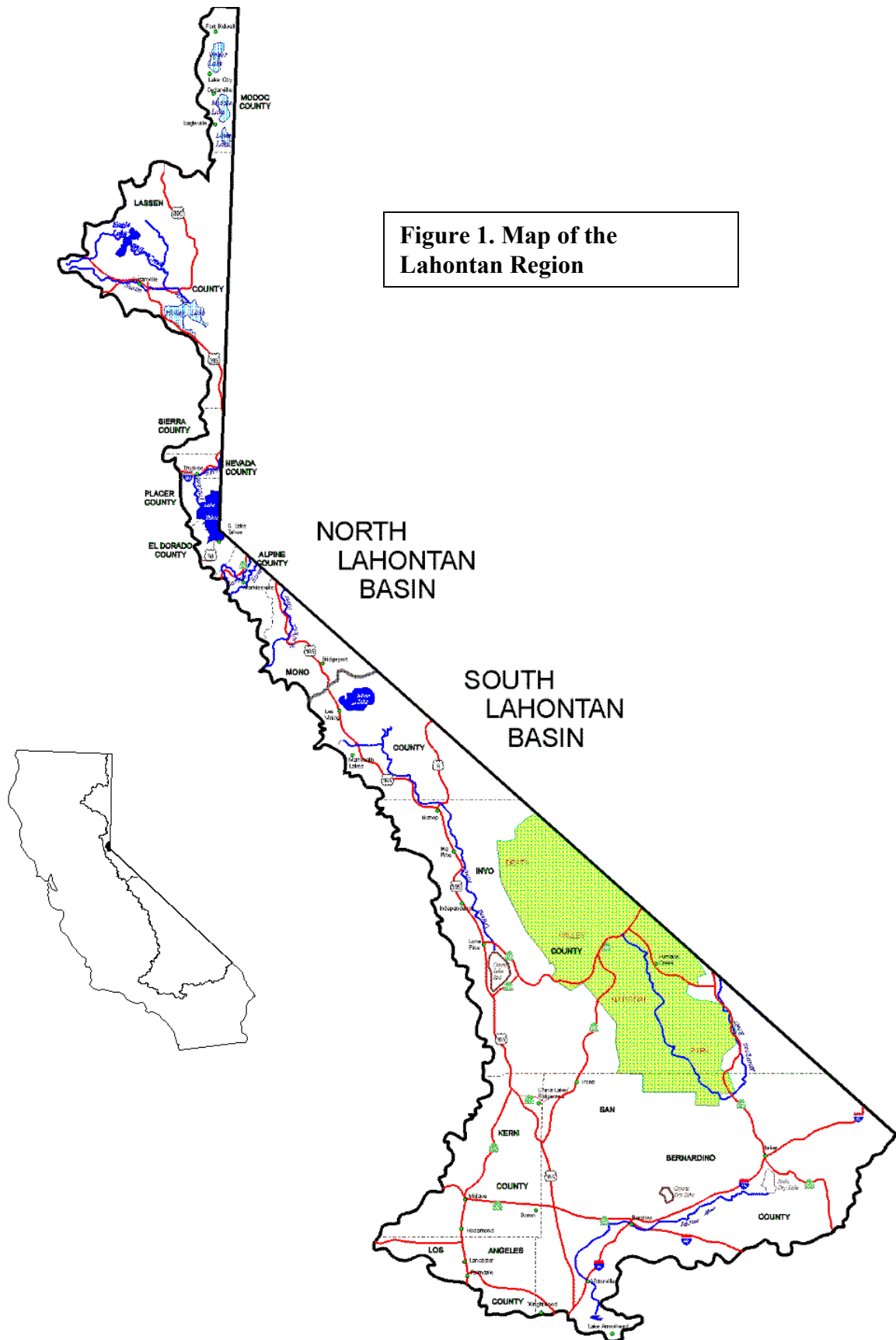
The California Regional Water Quality Control Board, Lahontan Region (Regional Board) is the state agency responsible for setting and implementing water quality standards in that portion of California east of the Sierra Nevada crest and in the northern Mojave Desert (Figure 1). Water quality standards and control measures are contained in the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). The current Basin Plan took effect in 1995, replacing three earlier plans. As of July 2003, five sets of amendments to the 1995 plan have received all necessary approvals.

State and federal laws require periodic review and revision of Basin Plans; the federal process is called “Triennial Review.” Some states revise water quality standards as part of the Triennial Review process. Due to resource limitations and the complexity of California’s plan amendment process, Triennial Review in California is generally limited to identification of high priority planning issues to be addressed over the three years between one Triennial Review cycle and the next. Unless it actually involves adoption of plan amendments, Triennial Review is not a regulatory action and does not require environmental analysis under the California Environmental Quality Act.

A public hearing for Triennial Review has been scheduled for the Lahontan Regional Board’s October 8-9, 2003 regular meeting in South Lake Tahoe, California. This staff report provides information on the Triennial Review process and on each of the planning issues identified by Regional Board staff. Additional issues may be identified in written public comments or testimony at the hearing. Regional Board staff will make final recommendations regarding priority planning issues following the public hearing. The Board will be asked to approve a “short list” of issues to be addressed over the following three years and identify the remaining issues as issues requiring additional funding. The Board’s resolution will also affirm the adequacy of water quality standards that require no revision. The review process does not necessarily mean that specific revisions will be made to the Basin Plan, but after investigation by Board staff, the identified issues may result in plan amendments.

## **Water Quality Standards**

In California, water quality standards include designated beneficial uses of water, narrative and numerical water quality objectives, and a nondegradation policy. Water quality objectives are equivalent to federal “water quality criteria.” Water quality standards in the Lahontan Basin plan are set forth in Chapters 2, 3, and 5. The plan’s beneficial use tables (Tables 2-1 and 2-2) do not distinguish between existing and potential beneficial uses. Most of the numerical objectives are based on historical water quality data collected before adoption of the 1975 North and South Lahontan Basin Plans and reflect antidegradation considerations rather than numeric criteria for the protection of specific beneficial uses. Unless criteria for variances to objectives are specifically included in the Basin Plan, variances or exceptions cannot be granted without Basin Plan amendments to revise the objectives.



**Figure 1. Map of the Lahontan Region**

Applicable water quality standards also include numerical limits for toxic “priority pollutants” promulgated as surface water standards by the U.S. Environmental Protection Agency (USEPA) under the National Toxics Rule and California Toxics Rule. These standards have not yet been physically incorporated into the Basin Plan.

All of the waters of the Lahontan Region are internally drained, meaning they don’t drain to the ocean, and many of them are isolated. The status of some surface waters as “waters of the United States” under the federal Clean Water Act has recently been called into question. State standards will still apply to any “waters of the State” that are determined not to be waters of the United States. The Lahontan Regional Board has not yet undertaken the establishment or revision of surface water standards for any waters of the State that are not also waters of the United States.

## **Triennial Review Process and Public Participation**

The Lahontan Regional Board’s 2003 Triennial Review Process will involve:

- Noticing the public hearing in newspapers throughout the Lahontan Region.
- Sending staff’s draft issues list and the hearing notice to the Regional Board’s Basin Plan mailing list containing over 400 addresses.
- Making copies of the hearing notice, issues list, and this staff report available on the Regional Board’s webpage.
- Providing a 45-day public review period for the issues list and the opportunity to submit written comments.
- Preparing written responses to written public comments. All comments and responses will be provided to Regional Board members before the hearing.
- Testimony at the public hearing.
- Regional Board adoption of a resolution identifying priority planning issues to be addressed by staff and issues requiring additional funding, and affirming the adequacy of the remainder of the plan.
- Completion and submission of the administrative record of the Triennial Review process to the State Water Resources Control Board (SWRCB). The SWRCB will make the approved Triennial Review, including the resolution and priority list, available to the U.S. Environmental Protection Agency (USEPA).

## Basin Plan Amendment Process

The Basin Plan amendment process is summarized in Table 1, adapted from the SWRCB's planning guidance. As the table indicates, the process is lengthy and complex. (The table does not include the revisions that may need to be made in preliminary drafts in response to comments by internal reviewers, and in response to scientific peer review.) Chronologically, the process can require six months to more than a year between the end of the "research" period in Step A and Regional Board action, and nine months or more can be required after Regional Board action for the amendments to receive all needed approvals. Research for Basin Plan amendments can include scientific literature review and/or water quality monitoring or special studies. Scientific peer review is required for amendments involving scientific judgment, and the reviewer's comments may result in significant changes to preliminary draft amendments before they are released for public review. Following Regional Board adoption, amendments must be approved by the SWRCB, the California Office of Administrative Law (OAL), and (in some cases) the USEPA. To facilitate the OAL review process, a detailed administrative record must be prepared and indexed; records for complex amendments can be several thousand pages long.

## Planning Considerations

**Budget.** The Regional Board's planning resources are quite limited. The current baseline funding is about 2.1 personnel years (PY) per year, including overhead costs as well as technical staff time. Some Basin Plan amendments may also require contracted studies for data collection (e.g., special monitoring studies to facilitate update of water quality objectives) or predictive modeling. An estimated total of 18.2 PY of technical staff time, not including overhead, would be required to address all of the triennial review issues that staff has initially identified.

The estimated resource needs for individual planning issues assume a minimum cost of 0.5 PY per plan amendment topic for steps B through L in Table 1. A minimum of 0.1 PY is estimated for the research phase for plan amendments involving fairly simple policy changes that do not require scientific justification. Another 0.5 PY or more can be required for amendments requiring monitoring or special studies, modeling or other technical analysis, or complex economic analysis. The resource estimates in Table 3 reflect staff's perception of the complexity of each topic. The lowest estimated costs are for plan amendments involving policy rather than technical issues, or for amendments with technical analyses funded from sources other than baseline basin planning funds.

In addition to the time allocated for specific planning issues, some Regional Board staff time should be reserved for ongoing "miscellaneous" plan-related activities, as needed. Such activities may include, but are not limited to:

**Table 1. Summary of Basin Plan Amendment Process**

WHO...	DOES WHAT?
<b>REGIONAL OR STATE BOARD</b>	<p>A. IDENTIFY THE NEED for a Plan amendment based on the triennial review, public concerns, new or revised laws, regulations or policies, etc. Undertake work to develop solutions - research, field work (e.g. collect chemical, physical, and/or biological monitoring data; data analysis), etc.</p> <p>B. PLAN the Administrative Record for the amendment.</p> <p>C. PREPARE NECESSARY DOCUMENTS  <b>STAFF REPORT</b> on the proposed amendment; reasonable alternatives, mitigation, economic considerations, and anti-degradation as required <ul style="list-style-type: none"> <li>• If addressing beneficial uses</li> <li>• If addressing water quality objectives</li> <li>• If addressing an implementation plan</li> </ul> <b>THE CEQA CHECKLIST</b>  <b>DRAFT AMENDMENT</b>  <b>DRAFT RESOLUTION</b></p> <p>D. EXTERNAL SCIENTIFIC PEER REVIEW</p> <p>E. PUBLISH A HEARING NOTICE / NOTICE OF FILING at least 45 days prior to the hearing</p> <p>F. RESPOND to comments – revising the draft amendment and staff report as necessary</p> <p>G. ADOPTION HEARING</p> <p>H. REGIONAL BOARD TRANSMIT 2 copies of the complete administrative record to the State Board; and PARTICIPATE in SWRCB Workshop and Board Meeting</p>
<b>STATE BOARD</b>	<p>I. APPROVE AMENDMENT at a public meeting (or return it to the Regional Board for further consideration)</p> <p>J. TRANSMIT approved amendment to OAL for review and approval of the regulatory provisions</p> <p>K. TRANSMIT the OAL approved amendment to US EPA, if needed, for review and approval of surface waters standards and their implementing provisions</p>
<b>REGIONAL BOARD</b>	<p>L. (1) FILE CEQA NOTICE OF DECISION with the Secretary of Resources after final approval by OAL or US EPA. (2) Either pay DFG filing fee or submit Certificate of Fee Exemption.</p> <p>M. PRINT and DISTRIBUTE Amendment</p>

- Meetings and discussions with staff of the USEPA, SWRCB, other Regional Boards, States of Nevada and Oregon, Native American tribes, the Tahoe Regional Planning Agency, and other agencies regarding water quality standards and planning issues
- Review and comments on draft plans, policies, guidance documents and technical reports produced by other agencies and stakeholder groups
- Preparation and coordination of grant applications for planning-related studies
- Public information and education on planning issues, including participation in watershed group activities
- Staff training related to planning and standards issues.

**Issues needing additional funding.** The SWRCB's guidance for the Triennial Review process asks Regional Boards to identify planning issues that would require additional funding to address. The Lahontan Regional Board will be asked to choose a subset of the planning issues identified by staff and the public for emphasis over the next three years; ideally the total estimated cost of the selected issues should not exceed the resources expected to be available during that time. All of the remaining issues will be identified as issues requiring additional funding in order to be addressed during the next three years.

**Priority factors.** Staff considered the following factors in recommending priorities for planning issues:

- Need for amendments to facilitate the Board's regulation/enforcement activities.
- Need for amendments to avoid unnecessary Section 303(d) listing and/or TMDL development.
- Request for amendments by the U.S. Environmental Protection Agency.
- Amendments affecting a Watershed Management Initiative (WMI) priority watershed.
- Amendments would have regionwide impacts.
- Amendments already in progress by Regional Board staff.
- A commitment has already been made by the Board or the Executive Officer to address the issue.

**Total Maximum Daily Loads (TMDLs).** The federal Clean Water Act requires states to identify water bodies that are not meeting standards due to pollutants (the "Section



303(d) list”) and to prepare strategies called TMDLs to ensure attainment of standards. In California, TMDLs and TMDL implementation programs are generally (but not always) adopted as Basin Plan amendments. TMDLs currently have the highest priority of all State and Regional Board programs statewide. Priorities and schedules for TMDL development are determined through the Section 303(d) list update process and through the Regional Board’s annual TMDL program workplans. There are 113 water body/pollutant combinations in the Lahontan Region on the current (2002) Section 303(d) list. That list is available online at: <http://www.swrcb.ca.gov/303dupdate.html>. Section 303(d) listing does not necessarily mean that TMDLs (and/or Basin Plan amendments) will be developed; the impairment issues may be addressed in other ways.

Two Lahontan Region TMDLs have been developed and received all necessary approvals. Additional TMDLs are scheduled for Basin Plan amendments during the three years following the 2003 Triennial Review hearing. Work on these Basin Plan amendments will be supported with state and/or federal TMDL program funds, not basin planning funds. Information on in-progress TMDLs is available on the Regional Board’s Internet webpage at: [http://www.swrcb.ca.gov/rwqcb6/TMDL/TMDL\\_Index.htm](http://www.swrcb.ca.gov/rwqcb6/TMDL/TMDL_Index.htm). Public comments may be submitted on TMDL issues as part of the Triennial Review process. Responses to these comments will be prepared, and they will be included in the administrative record. However, the Regional Board’s action will focus on priorities for use of baseline funds for planning topics other than TMDL development.

**1993 Triennial Review Priority list.** In the early 1990s, all nine Regional Boards developed comprehensive Basin Plan updates that received final approvals in 1995 and 1996. The USEPA considered those plan updates to be the equivalent of Triennial Review. However, the Lahontan Region’s most recent Triennial Review priority list was adopted following a public hearing in 1993 (Table 2). The 1993 list identified 11 priority issues requiring an estimated 17.5 PY of staff time. Only the first issue on this list (revision of septic system prohibition language for the Cady Springs area in Lassen County) resulted in Basin Plan amendments. Other planning issues, including TMDLs, became increasingly important in the late 1990s. The Regional Board did not carry any of the 1993 priorities over into its 1997 workshop priority list (discussed below). The issues on the 1993 list are not included in the recommended 2003 priorities for several reasons:

1. The need for several of the amendments on the 1993 list has been reduced due to new laws, regulations or plans that address the issue (e.g., the SWRCB’s 2000 *Plan for California’s Nonpoint Source Pollution Control Program* and the statewide regulations for onsite sewage treatment systems being developed by the SWRCB pursuant to Water Code Section 13291).
2. Significant additional monitoring would be required to define current conditions as the basis for comprehensive updates of multiple standards for the Carson River, Walker River, Mojave River and Mono Lake/Owens River watersheds.

**Table 2. 1993 Triennial Review Priority List for Future Basin Plan Amendments**  
(retyped and reformatted in Microsoft WORD from the original 1993 list, Attachment A )

**PRIORITY GROUP 1**

- Update Cady Springs Prohibition language based on study needs.  
Estimated Resources Required: 1 PY<sup>1</sup>
- Revise/Update Water Quality Objectives-Carson River HU (including Indian Creek Reservoir) and Walker River HU.  
Estimated Resources Required: 1 PY
- Revise/Update Water Quality Objectives for Mammoth Creek/Upper Owens and Mono Lake Watersheds, following water rights decision.  
Estimated Resources Required: 1 PY
- Revise/Update Water Quality Objectives for Mojave River.  
Estimated Resources Required: 2 PYs

**PRIORITY GROUP 2**

- Revise/Update Water Quality Objectives, Lake Tahoe HU.  
Estimated Resources Required: 3 PYs
- Review Truckee River objectives in relation to operating agreement, nonpoint source loading, metals problems, etc.  
Estimated Resources Required: 2 PYs

**PRIORITY GROUP 3**

- Adopt toxics objectives to protect endangered species- if need is identified under Inland Surface Waters Plan.  
Estimated Resources Required: 1 PY
- Strengthen provisions for ground water/wellhead protection.  
Estimated Resources Required: 1 PY
- Incorporate pending statewide BMPs (agriculture, etc.) and policies (e.g., wetlands).  
Estimated Resources Required: 1 PY
- Review septic system criteria in relation to results of USGS study and other recent literature.  
Estimated Resources Required: 1 PY
- Include future planning for landfill construction, specifically for Class I landfills.  
Estimated Resources Required: 0.5 PY

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<sup>1</sup> PY = Personnel Year or approximately 1776 hours

3. Regional Board staff recommend deferral of standards updates for waters of the Truckee River and Lake Tahoe watersheds until after completion of TMDLs for those watersheds.
4. Nutrient objectives for surface waters in the watersheds included in the 1993 list are expected to be addressed through the statewide effort described for 2003 Issue 6.

**1997 Priority Issues.** In November 1997, the Lahontan Regional Board held a public workshop to consider priorities for future Basin Plan amendments. Written comments and testimony at the workshop identified 23 planning issues. This process could not be considered a formal Triennial Review because it did not involve a noticed public hearing. Those who commented were told that their issues would be considered during the next formal Triennial Review. Some of the 1997 issues resulted in Basin Plan amendments. Staff investigated other issues and determined that amendments were not needed. Table 3 summarizes the 1997 issues and their disposition. Some of the 23 issues identified in 1997 are included in the draft 2003 issues list.

Copies of the written public comments and staff summaries of issues from the 1997 workshop process will be provided to Regional Board members before the 2003 public hearing. These and other public documents related to the 1997 workshop will be made part of the administrative record of the 2003 Triennial Review process.

## **2003 Triennial Review Planning Issues**

The following is a discussion of issues that could be given priority for use of planning staff time between 2003 and 2006. Issue numbers correspond to those in Table 4. The issues are numbered for reference, but numbers are not meant to imply recommended priorities within high, medium, and low priority categories. This table was sent to the Regional Board's Basin Plan mailing list, together with the public hearing notice, for a 45 day review period. The source of each issue (e.g., Regional Board staff, USEPA, 1997 workshop item) is indicated in the discussion below.

The issues list does not include the in-progress Basin Plan amendments revising waste discharge prohibitions for the Mojave River watershed. The Regional Board is expected to consider adopting these amendments at its September 2003 meeting. If they are adopted, additional planning staff time will be required to complete the administrative record and to coordinate with other agencies responsible for subsequent approvals.

After reviewing written comments on the issues below, and on any new issues identified by the public, Regional Board staff will prepare revised recommendations for inclusion in the Board's agenda packet.

**Table 3. Status of Planning Priority Issues Identified in 1997 Workshop Process<sup>1</sup>**

<b>Issue #</b>	<b>Issue</b>	<b>Suggested by</b>	<b>Status in 2003</b>	<b>Recommended 2003 Triennial Review Priority</b>
1	Revisions to regionwide wetlands policy	RWQCB staff	Issues can be resolved without plan amendments.	Not Applicable (NA)
2	Revisions to ground water cleanup levels	RWQCB staff	Issues can be resolved without plan amendments.	NA
3	Amendments to prohibition exemption criteria and water quality objectives including needs for short term variances	RWQCB staff	Issues can be resolved without plan amendments.	NA
4	Standards changes to accommodate Lower Owens River Restoration Project (LORP)	Inyo-Los Angeles Technical Group	Technical staff reviewed project proposal in 1997-98 and determined amendments were not necessary at that time. Need for amendments should be evaluated after completion of final EIR for LORP.	Low
5	Revisions to Truckee River objectives in relation to TTSA treatment plant expansion.	TTSA	After discussion, Board staff and TTSA agreed that plan amendments were not needed	NA
6	TMDLs for “Naturally Impaired” Waters	RWQCB staff	Most of the waters in question have been removed from the Section 303(d) list	NA
7	Minor editorial clarifications and corrections to Basin Plan	RWQCB staff	Adopted 2000, fully approved 2002	NA
8	Reference new/revised policies of other agencies, new legislation, etc.	RWQCB staff	Adopted 2000, fully approved 2002	NA
9	Revisions to Regionwide Industrial Waste Discharge Prohibitions	Board and staff	Adopted 2000; fully approved 2002	NA

**Table 3. Status of Planning Priority Issues Identified in 1997 Workshop Process<sup>1</sup> (continued)**

<b>Issue #</b>	<b>Issue</b>	<b>Suggested by</b>	<b>Status in 2003</b>	<b>Recommended 2003 Triennial Review Priority</b>
10	“Generic” MUN Use removal from saline surface and ground waters	Board and staff	SWRCB legal staff determined in 2000 that uses cannot be generically removed.	NA
11	Delegate broader authority to local governments to implement septic system criteria	RWQCB staff	Adopted 2000; disapproved by State Board on legal grounds in 2002.	NA
12	Revise Truckee River floodplain exemption criteria	RWQCB staff	Issues can be resolved without plan amendments.	NA
13	Truckee River Sediment TMDL	RWQCB staff	Work in progress	NA
14	Expand delegation of authority to EO to issue prohibition exemptions for stream environment zone/flood plain prohibitions in Lake Tahoe and Truckee River watersheds.	RWQCB staff	Adopted 2000; fully approved 2002	NA
14	TMDLs for Heavenly Valley Creek, Blackwood Creek, Indian Creek Reservoir, Leviathan Mine, Pine Creek	RWQCB staff	2 TMDLs and Pine Creek report completed; Leviathan TMDLs postponed due to CERCLA activities. Blackwood Creek TMDL now being coordinated with Lake Tahoe TMDL.	NA
16	Remove beneficial uses from Owens Lake	Owens Lake Soda Ash Company	Amendments to accommodate proposed a salt mining/processing operation cannot be adopted until the EIR/EIS for that project is final.	Low

**Table 3. Status of Planning Priority Issues Identified in 1997 Workshop Process<sup>1</sup> (continued)**

<b>Issue #</b>	<b>Issue</b>	<b>Suggested by</b>	<b>Status in 2003</b>	<b>Recommended 2003 Triennial Review Priority</b>
17	Remove beneficial uses from waters of Searles Lake HU	IMC Chemical	Amendments to remove some uses were adopted in 2000 and finally approved in 2002.	Medium
18	Remove beneficial uses, China Lake ground water (2 basins)	China Lake Air Naval Weapons Station	It may be possible to resolve the issues without plan amendments.	Medium
19	Remove beneficial uses, Paiute Ponds	Los Angeles County Sanitation Districts	Completion of groundwater study directed by Regional Board is necessary before amendments can be considered.	Medium
20	Revise prohibition against surface water discharges to Mojave River	VVWRA and Las Flores Ranch Subdivision	Amendments scheduled for Board action in September 2003.	NA
21	Revise Mojave River objectives; do TMDLs	Mojave Water Agency	The Mojave River was removed from the Section 303(d) list and no TMDLs are currently required. Revision of objectives requires collection of sufficient monitoring data..	NA
22	Rescind Lake Tahoe pier prohibition	Tahoe Regional Planning Agency	Draft amendments to revise prohibition language to reflect TRPA shorezone ordinance revisions will be completed after TRPA shorezone EIS is final.	High
23	Amendments related to Tahoe Regional Planning Agency Section 208 Plan amendments	Tahoe Regional Planning Agency	Next TRPA Section 208 Plan is expected to occur in coordination with the Lake Tahoe TMDL, probably after 2007.	NA

<sup>1</sup> Issues are numbered for reference. Their order reflects that in tables in a March 9, 1998 memorandum from Executive Officer Harold Singer to Regional Board members, included with Item 8 in the Board's April 2-3, 1998 agenda packet.

**Table 4. Draft 2003 Triennial Review Issues for the Lahontan Region**

(Issues are numbered for reference; numbers do not imply recommended priorities within High, Medium, and Low priority categories.)

Contact Judith Unsicker at (530) 542-5462 or [JUnsicker@rb6s.swrcb.ca.gov](mailto:JUnsicker@rb6s.swrcb.ca.gov) if you have questions about this list.

<b>Issue #</b>	<b>Proposed Priority</b>	<b>Issue</b>	<b>Estimated Resource Needs (PY)<sup>1</sup></b>	<b>Comments</b>
1	High	Revise waste discharge prohibition affecting piers in Lake Tahoe	0.6 PY	Schedule depends on completion of Tahoe Regional Planning Agency's revisions to its shorezone regulations.
2	High	Revise "percent sodium" standards for surface waters of Carson and Walker River watersheds	0.6 PY	Would modernize standards and avoid the need for TMDL <sup>2</sup> development for sodium in the West Fork Carson River.
3	High	Update of entire Basin Plan including (1) editorial update to reflect new laws, regulations, policies and plans, with minor corrections/clarifications as needed, and (2) minor regulatory changes	1.5 PY	Regulatory changes could include addition of: specific authority to grant compliance schedules in NPDES <sup>2</sup> permits; clarified interpretation of standards and effluent limitations in relation to waters with naturally poor quality; erosion control guidelines for the Truckee River watershed.
4	High	Water quality objective(s) based on narrative biocriteria for Sierra Nevada streams	0.6 PY	Data for development of objective(s) will be available by 2005.
5	High	Site-specific ammonia objectives for Paiute Ponds and Amargosa Creek (Los Angeles County)	1.0 PY	Consultants' study to develop draft objectives is now in progress.
6	High	New or revised water quality objectives for nutrients and related parameters for surface waters regionwide	1.0 PY	Objectives to be developed by a statewide interagency workgroup; schedule is uncertain. Planning staff time needed for continued workgroup participation over three years with more time probably needed in Year 3.
7	High	2006 Triennial Review	0.2 PY	Review is a state and federal requirement.
8	Medium	Update regionwide narrative objective for pesticides in surface waters	1.0 PY	Amendments could define exemption criteria for aquatic pesticide use for projects necessary for public health and safety (e.g. vector control).

**Table 4. Draft 2003 Triennial Review Issues for the Lahontan Region (continued)**

(Issues are numbered for reference; numbers do not imply recommended priorities within High, Medium, and Low priority categories.)

Contact Judith Unsicker at (530) 542-5462 or [JUnsicker@rb6s.swrcb.ca.gov](mailto:JUnsicker@rb6s.swrcb.ca.gov) if you have questions about this list.

<b>Issue #</b>	<b>Proposed Priority</b>	<b>Issue</b>	<b>Estimated Resource Needs (PY)<sup>1</sup></b>	<b>Comments</b>
9	Medium	Revise beneficial uses for Paiute Ponds and Amargosa Creek (Los Angeles County)	1.0 PY	Amendments should be deferred until study of groundwater beneath ponds is complete.
10	Medium	Revise beneficial uses for Laurel Pond (Mono County)	1.0 PY	
11	Medium	Remove Municipal and Domestic Supply and Industrial Process Supply beneficial use designations from groundwater at China Lake Air Naval Weapons Station	1.0 PY	May require hydrogeologic studies to delineate aquifer boundaries. Proposed clarification of standards in relation to naturally poor quality waters (Issue 3, above) could eliminate need for site-specific amendments.
12	Medium	Revise beneficial uses for Searles Lake (San Bernardino County)	1.0 PY	Concerns can probably be resolved without the need for amendments.
13	Low	Revise regionwide objective for coliform bacteria to reflect USEPA <sup>2</sup> human health criteria for recreational waters	1.5 PY	Current objective is more stringent than USEPA criteria; significant additional monitoring needed to determine background levels in Lahontan Region.
14	Low	Revise regionwide ammonia objective to reflect 1999 USEPA aquatic life criteria	1.0 PY	SWRCB will take the lead on revisions; Regional Board role is currently not clear.
15	Low	Adopt regionwide cadmium objective to reflect USEPA aquatic life criteria	1.0 PY	USEPA is expected to promulgate cadmium criteria as California standards.
16	Low	Add aquatic habitat uses for specific springs and wetlands as recommended by USEPA	1.0 PY	Additional study would be needed to justify changes; existing habitat uses must be protected whether or not formally designated.



**Table 4. Draft 2003 Triennial Review Issues for the Lahontan Region (continued)**

(Issues are numbered for reference; numbers do not imply recommended priorities within High, Medium, and Low priority categories.)

Contact Judith Unsicker at (530) 542-5462 or [JUnsicker@rb6s.swrcb.ca.gov](mailto:JUnsicker@rb6s.swrcb.ca.gov) if you have questions about this list.

<b>Issue #</b>	<b>Proposed Priority</b>	<b>Issue</b>	<b>Estimated Resource Needs (PY)<sup>1</sup></b>	<b>Comments</b>
17	Low	Revised beneficial uses for Owens Lake (Inyo County)	1.0 PY	Amendments cannot be considered until environmental document for proposed industrial facilities is complete.
18	Low	Revised standards for lower Owens River/Owens Lake in relation to Lower Owens River Project (LORP)	1.0 PY	Environmental Impact Report for LORP still incomplete; final project description and need for amendments are unknown.
19	Low	Designate BIOL <sup>2</sup> beneficial use for more waters (e.g., Mojave River riparian areas)	1.0 PY	Existing beneficial uses must be protected whether or not they are formally designated.
		<b>Total Resource Needs for All Issues Above</b>	18.2 PY	Total does not include overhead expenses.
		Total projected planning resources available before next Triennial Review	6.3 PY <sup>3</sup>	Total includes overhead expenses.

<sup>1</sup> Resource estimates are for remainder of Fiscal Year (FY) 2003-2004, FY 2004-2005, FY 2005-2006 and early FY 2006-2007; additional resources may be needed for some issues in later fiscal years . PY= “personnel year(s).” PY estimates for each issue are for technical staff time only and do not include overhead.

<sup>2</sup> Acronyms: NPDES = National Pollutant Discharge Elimination System; TMDL= Total Maximum Daily Load; USEPA = U.S. Environmental Protection Agency; SWRCB = California State Water Resources Control Board; BIOL = “Preservation of Biological Habitats of Special Significance” beneficial use.

<sup>3</sup> This figure assumes continuation of the Regional Board’s FY 2002-2003 baseline funding for basin planning (2.1 PY per fiscal year including overhead).

## High Priority Issues

1. **Revise waste discharge prohibition affecting piers in Lake Tahoe.** The Basin Plan (Section 5.2, Prohibition 10) contains a prohibition against the discharge or threatened discharge of wastes attributable to new pier construction to significant spawning habitats or to areas immediately offshore of important stream inlets in Lake Tahoe. The Tahoe Regional Planning Agency (TRPA) has sponsored scientific studies of the impacts of piers on fish habitat. TRPA issued a draft Environmental Impact Statement (EIS) for proposed changes to its shorezone regulations, including regulations applicable to the locations of piers and other shorezone structures, in 1995. The draft has undergone several revisions, and a new Notice of Preparation was issued in 2003. Following completion and final approval of the TRPA shorezone regulations, Regional Board staff plan to circulate draft Basin Plan amendments to revise the Basin Plan's pier prohibition language to be compatible. TRPA's final Shorezone Environmental Impact Statement (tentatively planned for approval in the winter of 2003-2004) would be used as the basis for the Regional Board's environmental document for the plan amendments.

**Identified by:** TRPA staff (1997 workshop issue)

**Estimated Resources Needed:** 0.6 PY

2. **Revise "percent sodium" standards for surface waters of Carson and Walker River watersheds.** "Percent sodium" is an older criterion for irrigation water. It compares sodium concentration to the total concentration of sodium, calcium, magnesium, and potassium. "Sodium Adsorption Ratio" (SAR) is a more modern criterion, comparing sodium concentration to calcium and magnesium concentrations. SAR is calculated differently than percent sodium. Both criteria are meant to protect soils and crops against the adverse effects of excess sodium in irrigation water. Water quality objectives now expressed as percent sodium for most surface waters in the Carson and Walker River watersheds are proposed to be replaced with objectives expressed as SAR. The new objectives will be based on historical data and antidegradation considerations. The revisions will modernize the objectives and allow comparison with the State of Nevada's SAR standards for interstate waters. The revisions will also eliminate the need to develop TMDLs for two segments of the West Fork Carson River that are currently Section 303(d)-listed for violations of the percent sodium objective.

**Identified by:** Regional Board staff

**Estimated Resources Needed:** 0.6 PY

3. **Update entire Basin Plan including: (1) editorial update to reflect new laws, regulations, policies and plans, with minor corrections/clarifications as needed, and (2) minor regulatory changes.** The Basin Plan is outdated with respect to a number of new or revised laws, plans, and policies approved since it

took effect in 1995. Important examples include the SWRCB's *Plan for California's Nonpoint Source Pollution Control Program*, the California Toxics Rule and State Implementation Policy for that rule, and the expiration of the Basin Plan's waiver policy in January 2003 as the result of legislation. SWRCB staff are working on a number of additional policies and regulations that could be final within the next three years. An editorial update of the entire Basin Plan would be desirable.

For purposes of this issue, "minor" regulatory changes include policy changes that do not require detailed technical justification or scientific peer review and technical changes that require relatively little justification. Issues expected to be complex and/or controversial should be made the subject of separate Basin Plan amendments. Examples of regulatory issues that could be included in this Basin Plan update include:

- ***Addition of specific authority to issue compliance schedules for NPDES permits.*** The Regional Board issues National Pollutant Discharge Elimination System (NPDES) permits for discharges of waste to surface waters pursuant to the federal Clean Water Act. Schedules of compliance can be included in NPDES permits for effluent limitations that implement new water quality objectives (objectives adopted after July 1, 1977), revised pre-1977 objectives, or newly interpreted water quality objectives, if authorization for such schedules is explicitly included in the Basin Plan. Authority to issue NPDES compliance schedules is not yet included in the Lahontan Basin Plan. Compliance schedules can be issued in state waste discharge requirements (WDRs), and WDRs are often adopted concurrently with NPDES permits. Several other Regional Boards have already adopted Basin Plan amendments to confer the NPDES authority. These regions' amendment language, staff reports, and environmental documents could be adapted fairly easily for the Lahontan Region's purposes, minimizing the staff resources required for this topic.
- ***Interpretation of the applicability of water quality standards and effluent limitations to waters with naturally poor quality.*** The Lahontan Region includes many water bodies where natural geological processes have resulted in levels of constituents such as total dissolved solids, arsenic, or radioactive elements that exceed drinking water standards or California Toxics Rule standards for the protection of aquatic life. (Drinking water standards apply to ambient waters under the "Chemical Constituents" objectives for surface and ground waters.) Examples of naturally poor quality waters are geothermal springs, inland saline lakes and adjacent groundwater basins, and waters influenced by naturally high radioactivity in granitic rocks. In the past, some of these waters were placed on the Section 303(d) list of impaired waters due to violations of standards. Background water quality in relation to effluent limitations has recently become an issue in the consideration of NPDES permits for geothermal energy plants in Lassen County. Water quality

standards are also occasionally violated due to uncontrollable natural factors such as severe droughts and floods. The Basin Plan (Chapter 3) already includes language regarding naturally poor water quality that was used to justify delisting a number of “naturally impaired” waters in the 2002 Section 303(d) list update. However, this language needs to be clarified and strengthened to avoid problems associated with Section 303(d) listing and permitting in the future.

- ***Addition of formal erosion control guidelines for the Truckee River watershed.*** Sections 4.3 and 4.8 of the Basin Plan contain guidance on erosion control, including a specific set of guidelines for the Mammoth area. Specific guidelines for the Truckee River watershed could be added to the Basin Plan to formalize and update the control measures currently used in permit conditions.

**Identified by:** Regional Board staff

**Estimated Resources Needed:** 1.5 PY

4. **Water quality objective(s) based on narrative biocriteria for Sierra Nevada streams.** The federal Clean Water Act requires states to “...*restore and maintain the chemical, physical and biological integrity of the nation’s waters.*” The Lahontan Basin Plan has traditionally addressed in great detail a wide range of chemical and physical parameters, but provides only very limited direction regarding biological integrity. In order to protect the biological integrity of the nation’s waters, the USEPA strongly encourages states to adopt water quality standards based on “biocriteria.” Biocriteria may include narrative and/or numeric objectives designed to protect biological integrity.

Numeric biocriteria are often established using “Indices of Biological Integrity” (IBIs), which provide a numeric ranking for aquatic community health. IBIs are developed by (1) sampling resident biota at minimally-impacted “reference sites”; (2) calculating a suite of “metrics” (to allow reliable interpretation of discrete population and community characteristics); (3) combining the individual metric values into a composite score; and (4) selecting numeric values (i.e., biocriteria) that express the allowable deviation from the biological conditions observed at the reference sites. Numeric scores for water bodies affected by discharges or other human activities are then compared to the numeric biocriteria to assess the level of impairment. Ongoing studies of streams in the eastern Sierra Nevada by Dr. David Herbst of the University of California should allow calculation of an IBI for many streams in the eastern Sierra by 2005. The IBI being developed by Dr. Herbst for eastern Sierra streams may eventually be used to derive numeric water quality objectives (i.e., numeric biocriteria) for incorporation into the Basin Plan. However, because sufficient data are not available at this time to support adoption of numeric biocriteria, staff proposes the development and consideration of narrative biocriteria.

Narrative biocriteria are statements that may include any or all of the following: a goal statement that the biological integrity of waters in the Region shall be preserved, protected, and restored; a definition of biological integrity; and direction on determining compliance. The adoption of such narrative biocriteria would (1) provide direction to staff and the regulated community that the biological integrity of the Region's waters is to be considered in the regulatory programs of the Regional Board; (2) provide a sound basis for staff to consider and utilize IBIs as they are developed for eastern Sierra streams (and other surface waters in the Region) prior to the formal incorporation of numeric biocriteria into the Basin Plan; and (3) demonstrate to the USEPA (and others) that the Regional Board continues to take a leadership role in the use of bioassessment and development of biocriteria in California (possibly facilitating funding opportunities).

**Identified by:** Regional Board staff

**Estimated Resources Needed:** 0.6 PY

5. **Site-specific ammonia objectives for Paiute Ponds and Amargosa Creek (Los Angeles County).** The Paiute Ponds, located adjacent to Edwards Air Force Base, are the discharge site for treated wastewater from the Los Angeles County Sanitation Districts' (LACSD's) Lancaster Wastewater Reclamation Plant. They provide important bird habitat and support aquatic life and recreational uses (such as birdwatching and hunting). Ammonia levels in the ponds exceed the regionwide water quality objectives in the 1995 Basin Plan and the USEPA's 1999 ammonia criteria. LACSD's consultants are conducting field and laboratory bioassay studies in 2003 to develop recommendations for site-specific water quality objectives for total ammonia for the ponds and a tributary segment of Amargosa Creek based on the USEPA's "water effects ratio" (WER) method. (The planning process will need to address the possible application of the new objectives to the significantly expanded ponds being considered as a potential disposal alternative in connection with expanded treatment facilities.) Regional Board staff time will be needed for participation in the consultants' criteria development process, review of the final recommendations and preparation of final amendments and supporting documents. The consultants' recommended objectives will need to go through the "normal" plan amendment process, including scientific peer review and environmental review.

**Identified by:** LACSD

**Estimated Resources Needed:** 1.0 PY

6. **New or revised water quality objectives for nutrients and related parameters for surface waters regionwide.** The USEPA has developed "nutrient criteria" for surface waters within specific large geographic areas ("ecoregions") and has requested states to adopt these criteria as state standards or develop their own scientifically defensible numbers. The USEPA recommends standards for total nitrogen, total phosphorus, and "response variables" such as chlorophyll *a* and

periphyton biomass. (Detailed information on the recommended criteria is available online at: <http://www.epa.gov/waterscience/standards/nutrient.html>.) State and federal workgroups (including SWRCB and Regional Board staff) have determined that the USEPA-recommended criteria are inappropriate for California's waters, and are working in cooperation with the USEPA's consultant, TetraTech, to develop nutrient objectives applicable within smaller geographic areas. The process has been delayed by funding problems, and the current target date for state adoption of these objectives is 2007. TetraTech is currently conducting a pilot project in coastal Southern California to test the suitability of its proposed modeling approach for statewide application. Regional Board planning staff time is needed for continued participation in the workgroup process and for evaluation of the workgroup's recommended standards for Lahontan Region waters in relation to existing numeric objectives. (Most of the other Regional Boards do not have waterbody-specific objectives for nutrients.)

**Identified by:** USEPA, Regional Board and SWRCB staff.

**Estimated Resources Needed:** 1.0 PY

7. **2006 Triennial Review Process.** To meet federal requirements for review of water quality standards every three years, planning staff time should be budgeted for the next Triennial Review. The work required includes: drafting a staff-recommended issues list, staff report, public hearing notice, and agenda materials, responding to written public comments, and assembling the administrative record for transmittal to the SWRCB.

**Identified by:** Regional Board staff

**Estimated Resources Needed:** 0.2 PY

## Medium Priority Issues

8. **Update regionwide narrative objective for pesticides in surface waters.** The objective, originally adopted in the 1975 Basin Plans, provides that pesticide concentrations, individually or collectively, shall not exceed the lowest detectable levels, using the most recent detection procedures available. In response to concerns of the Department of Fish and Game, the Regional Board adopted Basin Plan amendments that specified the conditions under which rotenone discharges for fisheries management could be permitted. Similar revisions to the general pesticide objective could be considered in order to allow limited use of aquatic pesticides, under specific conditions, for public health and safety purposes (e.g., vector control and management of drinking water reservoirs).

**Identified by:** Regional Board staff

**Estimated Resources Needed:** 1.0 PY

9. **Revised beneficial uses for Paiute Ponds and Amargosa Creek (Los Angeles County).** As noted for Issue 5, above, the Paiute Ponds store treated municipal

wastewater from the LACSD Lancaster Wastewater Reclamation Plant and provide some habitat and recreational uses. Paiute Ponds and Amargosa Creek are not specifically mentioned in the Basin Plan's beneficial use table for surface waters (Table 2-1, Antelope Hydrologic Unit, HU No. 626.00). LACSD has requested that site specific beneficial uses be designated for Paiute Ponds and the segment of Amargosa Creek affected by its discharge. Potentially controversial issues include the extent to which water contact recreation occurs, the nature of the groundwater aquifer beneath the ponds, and the impacts of wastewater in the ponds on groundwater quality in connection with the Groundwater Recharge (GWR) beneficial use. The Regional Board has directed LACSD to study the groundwater aquifer. The Use Attainability Analysis needed to support designation of site-specific uses cannot be completed until the results of the groundwater study are available.

**Identified by:** LACSD

**Estimated Resources Needed:** 1.0 PY

- 10. Revised beneficial uses for Laurel Pond (Mono County).** Laurel Pond, originally a small natural ephemeral water body located east of the Town of Mammoth Lakes, receives treated wastewater from the Mammoth Community Water District. The Basin Plan (Table 2-1) does not designate site-specific beneficial uses for the pond; it has the uses designated for the "Minor Surface Waters" categories in the Long Hydrologic Area (Hydrologic Unit No. 603.10). Any associated jurisdictional wetlands have the uses of the "Minor Wetlands" category in this hydrologic unit. Both categories include the Municipal and Domestic Supply (MUN) use. The District has requested that the Board designate site-specific uses for Laurel Pond. The status of Laurel Pond as a "water of the United States" has also been questioned.

**Identified by:** Mammoth Community Water District

**Estimated Resources Needed:** 1.0 PY

- 11. Remove potential Municipal and Domestic Supply (MUN) beneficial use designation from groundwater at China Lake Naval Air Weapons Station.** In 1989, the Regional Board designated almost all surface waters and groundwater basins in the Lahontan Region for the MUN use, including waters that exceed drinking water standards due to natural causes. (Drinking water standards apply to all ambient waters designated MUN under the narrative "Chemical Constituents" objective.) The rationale for the widespread MUN designation was that water is scarce in much of the Lahontan Region, and the Regional Board did not wish to preclude opportunities to treat and use even poor quality water in the future. During the Board's 1997 priority setting process, the China Lake Naval Air Weapons Station requested the removal of the potential Municipal and Domestic Supply (MUN) beneficial use and the Industrial Service Supply (IND) beneficial use from ground water within NAWS boundaries in the Indian Wells Valley (Hydrologic Unit 624.00) and Salt Wells Valley (HU No. 621.20), due to

naturally high levels of Total Dissolved Solids. Regional Board staff originally planned to address the MUN issue through Basin Plan amendments that would “generically” remove the MUN use from all waters that had naturally high salinity or trace element concentrations. However, State Board legal staff determined that such amendments would not legally be feasible and that use changes must be done in the context of specific water bodies.

The IND use is defined in terms of industrial uses of water that do not depend primarily on water quality, as opposed to the Industrial Process Supply (PRO) use. Examples of IND uses include mining, cooling water supply, geothermal energy production, hydraulic conveyance, gravel washing, fire protection, and oil well repressurization. The Basin Plan (Table 2-2) does not designate the PRO use for groundwater except for groundwater of the Searles Lake Basin. Since the IND use does not depend primarily on water quality, it may not need to be changed for these basins. If the NAWs can demonstrate that there are no existing IND uses of the groundwater in question, and that there are unlikely to be future IND uses, including firefighting, it would be appropriate to remove the use designation.

The amendments proposed by China Lake NAWs would require delineation of the three-dimensional boundaries of the aquifer from which the use would be removed and evaluation of potential impacts of discharges to this aquifer on any other hydrologically connected aquifers in the area. One potentially controversial issue is that removal of the MUN and IND uses would leave these groundwater basins with no designated beneficial uses. The interpretation of standards and effluent limitations in connection with naturally poor quality waters that is proposed in Issue 3, above, might resolve the NWC’s concerns without the need for site-specific plan amendments.

**Identified by:** China Lake NWC staff (1997 workshop issue)

**Estimated Resources Needed:** 1.0 PY

- 12. Revised Beneficial Uses for Surface Waters of Searles Lake (San Bernardino County).** Searles Lake is a desert playa lakebed with ephemeral surface waters in wet years. IMC Chemical (IMCC) mines brine from beneath the surface of Searles Lake, extracts chemicals from it, and discharges waste brine, and some added industrial chemicals, to ponds on the lake surface. Plan amendments revising several beneficial uses of surface and ground waters in the Searles Lake watershed were adopted in 2000 and finally approved in 2002. For several years IMCC has expressed interest in having the wildlife and recreational beneficial uses of the brine ponds and natural ephemeral surface waters on Searles Lake modified or removed. (Under federal regulations, existing uses cannot be removed.) Searles Lake was recently removed from the Section 303(d) list because the Regional Board’s enforcement order and IMCC’s ongoing remedial activities are considered adequate to ensure protection of currently designated beneficial uses. Further Basin Plan amendments to change those uses may no longer be needed.



A workshop on Searles Lake issues was held at the Regional Board's July 2002 meeting. At that workshop, one IMCC representative stated that dedesignation of uses was not the issue but that exploring the potential for site-specific objectives might be appropriate. The interpretation of standards and effluent limitations in connection with naturally poor quality waters that is proposed in Issue 3, above, might resolve IMCC's concerns about standards related to naturally occurring constituents without the need for Basin Plan amendments to adopt site-specific objectives.

**Identified by:** IMCC

**Estimated Resources Needed:** 1.0 PY

## **Low Priority Issues**

Low priorities are recommended for the issues below for one or more of the following reasons:

- The issue cannot feasibly be addressed within the next three years because of the need for additional monitoring or special studies to provide data for use in derivation of revised standards.
- The purpose of the amendments is to accommodate a proposed development project or discharge that has not yet completed all necessary environmental review (e.g., Lower Owens River Project).
- The goals of the suggested issue can be met without Basin Plan amendments (e.g., additional BIOL beneficial use designations for waters of the Mojave River watershed).

Several of the issues below involve state adoption of USEPA criteria for specific pollutants. These issues are recommended for low priority because insufficient information is currently available on the relative roles of the SWRCB and the Regional Board in adopting the criteria or because the USEPA plans to promulgate the criteria as statewide standards in the near future. For some of the pollutants (bacteria and ammonia), the Lahontan Region's existing standards are more stringent than the USEPA criteria. The USEPA has also proposed that states adopt standards based on its current criteria for dissolved oxygen, methylmercury, and total residual chlorine. These criteria are not included as 2003 Triennial Review issues because the Lahontan Region's current regionwide dissolved oxygen objectives are based on the USEPA criteria and because the SWRCB plans to deal with the methylmercury and chlorine issues on a statewide basis. More information on specific criteria is available online at:

<http://www.epa.gov/waterscience/standards/> .

**13. Revised regionwide bacteria objectives reflecting USEPA criteria for recreational waters.** The USEPA has requested that states adopt its 1986 human health criteria as state standards for waters designated for the water contact recreation use. Federal legislation requires the USEPA to promulgate the criteria as standards in 2004 if the states do not act. The USEPA criteria use *E. coli* and enterococci as indicators of pathogenic bacteria. The Lahontan Region's existing narrative objective for coliform bacteria is expressed as total and fecal coliform bacteria. While it is difficult to compare the existing and recommended numerical limits for different kinds of bacteria, the existing objective is more stringent than the USEPA criteria in that it states: "Waters shall not contain concentrations of coliform organisms attributable to anthropogenic sources, including human and livestock wastes." *E. coli* and enterococci are coliform organisms. If the USEPA promulgates its criteria in 2004, they will presumably apply in addition to, rather than instead of, the Regional Board's more stringent objective. In order to change the numerical limits in the current narrative objective to reflect natural background levels of *E. coli* and enterococci, Regional Board staff would need to undertake (or contract for) extensive monitoring in order to define background levels in different parts of the Lahontan Region. The resources for such monitoring are not currently available.

**Identified by:** USEPA

**Estimated Resources Needed:** 1.0 PY plus funds for additional monitoring throughout the region.

**14. Revised regionwide ammonia objectives reflecting USEPA 1999 criteria.** The Basin Plan's current narrative objective for ammonia, including total and un-ionized ammonia is based on the USEPA's 1984/1991 criteria document. The USEPA revised its ammonia criteria in 1999 and requested states to adopt them as standards. The new criteria are based on total ammonia rather than un-ionized ammonia; they include new acute and chronic criteria and a revised chronic averaging period. According to an analysis by SWRCB staff, the 1999 criteria are less stringent in some respects than the current Region 6 objective. Issues associated with adopting the new criteria as regionwide objectives could include reduced protection for sensitive aquatic species and the relationship of increased allowable ammonia concentrations to the new total nitrogen objectives discussed in Issue 6, above. Regional Board staff were recently informed by SWRCB staff that the SWRCB expects to take the lead on adoption of revised statewide ammonia criteria, but the process is far from completion. Scientific information from the 1999 USEPA criteria document is being used to develop draft site-specific ammonia objectives for Paiute Ponds (Issue 5, above), but adoption of the criteria as regionwide standards is not necessary to facilitate that project.

**Identified by:** USEPA and LACSD

**Estimated Resources Needed:** 1.0 PY

**15. New regionwide water quality objectives for cadmium based on the USEPA's 2001 aquatic life criteria.** Following consultation with the U.S. Fish and Wildlife Service regarding the impacts of cadmium on threatened and endangered species, the USEPA updated its cadmium criteria in 2001, agreed to promulgate cadmium standards for California by 2003, and requested that California act to adopt the standards. The 2001 freshwater criteria are more stringent than the older EPA cadmium criteria. The only current numerical water quality objective for cadmium that applies within the Lahontan Region is the state drinking water Maximum Contaminant level (MCL). State MCLs apply to surface and ground waters designated for the Municipal and Domestic Supply beneficial use under the narrative "Chemical Constituents" objectives. Cadmium discharges would be also subject to the narrative objectives for nondegradation and toxicity. SWRCB staff have recommended developing a state implementation policy for the cadmium criteria for aquatic life after they are promulgated by the USEPA.

**Identified by:** USEPA

**Estimated Resources Needed:** 1.0 PY

**16. Additional beneficial use designations for waters identified by the USEPA in its approval of the 1995 Basin Plan.** In its approval letter for the Basin Plan, the USEPA noted that a number of surface waters in Table 2-1 did not have designated "fishable/swimmable" beneficial uses and requested that such uses be designated to meet the goals of the Clean Water Act. The waters in question are springs and wetlands, mostly in the Owens River watershed, that were added to the Basin Plan's beneficial use table in 1995 with the use designations recommended by a University of California, Santa Cruz study. Because these waters were within the "minor streams and springs" categories in the beneficial use tables of the 1975 Basin Plans, Regional Board staff assumed that they already had the designated aquatic life and recreational uses assigned to those categories. The Basin Plan amendments adopted by the Board in 2000 attempted to "restore" the appropriate 1975 use designations for 26 minor surface water bodies. The SWRCB's legal staff felt that additional technical justification was necessary, and the SWRCB disapproved these use changes. Some of the affected water bodies may be hydrologically isolated, putting their status as waters of the United States in question. They are in remote locations and are unlikely to be threatened by changes in current land uses or new discharges requiring permits in the near future. Under federal regulations, existing beneficial uses of water must be protected, whether or not they are formally designated uses. In staff's opinion, the resources that would be required to study these waters to resolve the "waters of the U.S" issue and/or justify beneficial use changes could better be used to address known water quality problems elsewhere in the region.

**Identified by:** USEPA, Region IX.

**Estimated Resources Needed:** 1.0 PY (with possible additional resource needs for special studies or monitoring)

**17. Revised Beneficial Uses for Owens Lake.** In 1995, the Owens Lake Soda Ash Company (OLSAC) requested revisions to beneficial uses of the ephemeral surface waters of Owens Lake, and to the regionwide industrial waste discharge prohibition, to accommodate the discharge from a proposed soda ash mining and processing plant to the brine pool on the lake bed. Regional Board staff prepared draft plan amendments and an environmental document that relied on OLSAC's draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS). A public hearing was held at the November 1995 Board meeting. However, as a result of public comments, the Board's legal counsel determined that it could not adopt plan amendments to accommodate the proposed new processing plant before completion of a final OLSAC EIR/EIS, unless the Board assumed lead agency responsibility and completed the EIR/EIS itself. (The OLSAC EIR/EIS involved a number of controversial issues unrelated to water quality.) The Regional Board did not adopt the proposed 1995 plan amendments, OLSAC was subsequently acquired by (now) IMCC, and the draft EIR/EIS for the OLSAC project was never completed. OLSAC's management has made periodic requests to Regional Board staff since 1995 that the Basin Plan amendments be reconsidered. Changes to the regionwide industrial waste discharge prohibition that could facilitate industrial discharges to the Owens Lake brine pond took effect in 2002. However, changes to beneficial uses to accommodate a specific industrial discharge to Owens Lake still cannot be considered until the environmental document for such a project is approved. Potentially controversial issues associated with new plan amendments would include impacts of the industrial discharge on existing wetland and wildlife habitat uses of the lakebed and on the wetlands and wildlife habitat created or planned under the Lower Owens River Project (LORP) and the Great Basin Air Pollution Control District's dust control project. Removal of beneficial uses from the Owens Lake bed outside of the brine pool, the wetlands associated with the lake, and the underlying groundwater was not within the scope of the 1995 project, and would require additional study and environmental analysis. To Regional Board staff's knowledge, there is currently no active proposal for a new industrial processing plant and associated facilities and no active work on a new EIR/EIS.

**Identified by:** OLSAC (1997 workshop issue)

**Estimated Resources Needed:** 1.0 PY

**18. Revised standards for the lower Owens River in relation to the Lower Owens River Project (LORP).** The LORP would involve rewatering of a segment of the lower Owens River and a portion of the Owens Lake bed. During the Regional Board's 1997 workshop process, the Inyo-Los Angeles Technical Group (including Inyo County and the Los Angeles Department of Water and Power, submitted comments expressing concern about the appropriateness of the Municipal and Domestic Supply (MUN) and cold freshwater habitat (COLD) beneficial use designations for the lower Owens River under conditions following the implementation of the LORP. The comments also expressed concern that

several water quality objectives could be violated, at least in the short term, after implementation of the project.

Regional Board staff determined in 1997-98 that Basin Plan amendments related to the LORP were not necessary at that time. The draft EIR/EIS for the LORP was issued for public review in early 2003, and the final EIR/EIS has not yet been completed. The nature of the final project alternative, and the need for standards changes in connection with it, will not be known until the final EIR/EIS is approved. As noted for Issue 17, above, any revisions of standards for the Owens Lake bed will need to be done in the context of all existing and proposed activities on the lakebed. When resources permit and final environmental documents are complete for the projects that would benefit from such amendments, Items 17 and 18 should probably be handled as a single set of Basin Plan amendments.

**Identified by:** Inyo-Los Angeles Technical Group (1997 workshop issue)  
**Estimated Resources Needed:** 1.0 PY

- 19. Add BIOL beneficial use designations to more waters.** The beneficial use for “Preservation of Biological Habitats of Special Significance” (BIOL) includes “beneficial uses of waters that support designated areas or habitats, such as established refuges, parks, sanctuaries, ecological reserves, and Areas of Special Biological Significance (ASBS), where the preservation and enhancement of natural resources requires special protection.” (ASBS is a special area designation used by the U.S. Bureau of Land Management.) The BIOL use complements the Rare, Threatened or Endangered Species (RARE) use; the latter focuses on individual species. Regional Board staff at the Victorville office suggested that the BIOL use be designated for additional waters in the Mojave River watershed. Designating this use, on the basis of scientific evidence from sources such as the Department of Fish and Game, the U.S. Fish and Wildlife Service, and university researchers would provide additional recognition of the importance of these habitats. Additional designations of the BIOL use throughout the Lahontan Region could be considered when data and staff resources are available. Under federal regulations, existing beneficial uses of water must be protected, whether or not they are formally designated uses.

**Identified by:** Regional Board staff  
**Estimated Resources Needed:** 1.0 PY

## Staff Recommendations

After reviewing written public comments, staff will prepare final recommendations as part of the Regional Board’s agenda packet for the public hearing. Staff will request the Board to choose a subset of issues from Table 4 and from any new issues identified in public comments and to direct staff to investigate these issues over the next three years and develop draft Basin Plan amendments as appropriate. Staff’s initial

recommendations for the subset of issues are presented in Table 5. They include the issues recommended for high priority in Table 4, with a budget allowance of staff time for the “miscellaneous” planning activities summarized under “Planning Considerations,” above. Some of the high priority topics may prove to be more complex or controversial than expected, and additional resources may need to be allocated to these topics from the “miscellaneous” resource category.

Schedules for completion of public draft amendments and Board action on specific issues will depend upon the complexity of the selected issues. Some of the issues may be worked on between 2003 and 2006 with Board action on plan amendments after 2006. If important new issues arise before the next Triennial Review, the Board or the Executive Officer may change planning priorities. Issues not selected for emphasis between 2003 and 2006 will be identified as issues requiring additional funding. Staff will reconsider these issues during the next Triennial Review process and may recommend them as priorities at that time.

**Table 5. Regional Board Staff-Recommended Priority Planning Issues for 2003-2006**

<b>Issue No.</b>	<b>Topic</b>	<b>Estimated Resource Needs (PY)</b>	<b>Estimated Time to Completion (years)</b>
1	Revise waste discharge prohibition affecting piers in Lake Tahoe	0.6	1
2	Revise “percent sodium” standards for surface waters of Carson and Walker River watersheds	0.6	1.5
3	Update of entire Basin Plan including (1) editorial update to reflect new laws, regulations, policies and plans, with minor clarifications/corrections as needed, and (2) minor regulatory changes.	1.5	2.0
4	Water quality objective(s) based on narrative biocriteria for Sierra Nevada Streams	0.6	1.5
5	Site-specific ammonia objectives for Paiute Ponds and Amargosa Creek, Los Angeles County	1.0	1.5
6	New or revised water quality objectives for nutrients and related parameters for surface waters regionwide.	1.0	4.0
7	2006 Triennial Review	0.2	3.0
	Miscellaneous planning/standards related work as needed	1.0	NA
	<b>TOTAL</b>	<b>6.3</b>	